

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

vs.

Criminal No. 20-173

CHRISTOPHER WEST

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Transcript of Proceedings held on February 1, 2021, via  
videoconference, before the Honorable Patricia L. Dodge,  
United States Magistrate Judge.

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APPEARANCES:

For the Government: U.S. Attorney's Office  
by Shaun E. Sweeney, Esq.

For the Defendant: Frank Walker Law  
by Frank C. Walker, Esq.

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Court Reporter: Deborah Ann Betzler, RPR, FCRR  
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Proceedings recorded by mechanical stenography;  
transcript produced by computer-aided transcription.

P R O C E E D I N G S

THE CLERK: This honorable court is now in session.  
The Honorable Patricia L. Dodge now presiding for the United  
States District Court, Western District of Pennsylvania.

THE COURT: Good morning, everyone. We're here today  
for a detention hearing in the matter of the United States vs.  
Christopher West at Docket No. 20-173. Would counsel enter  
their appearances, please.

MR. SWEENEY: Shaun Sweeney here on behalf of the  
government, Your Honor. Good morning.

THE COURT: Good morning.

MR. WALKER: Frank Walker on behalf of Mr. West.

THE COURT: Mr. Walker, as you know, with Mr. West's  
consent, Section 15002 of the CARES Act authorizes the Court  
to conduct certain initial criminal proceedings by  
videoconference. The finding and authorization of that  
section of the CARES Act are in effect in this judicial  
district. Have you had the chance to talk with Mr. West about  
whether he consents to proceeding here today by  
videoconference?

MR. WALKER: I have, Your Honor, and he does consent.

THE COURT: All right. Thank you very much. Then  
I'll note that this matter comes before the Court on the  
request of the government to detain Mr. West pending the trial  
of this matter. In considering that request, I am guided by

1 certain general principles. First, at all times, Mr. West is  
2 entitled to a presumption of innocence. Nothing that takes  
3 place in this hearing or nothing that I set forth in my  
4 findings is intended or should be construed to affect that  
5 presumption. Rather, the purpose of this proceeding is to  
6 determine whether, notwithstanding that presumption of  
7 innocence, Mr. West should be detained pending trial.

8 I also want to note that I'm guided by the principles of  
9 the Bail Reform Act, in which I must consider whether there  
10 are conditions or a combination of conditions that will  
11 reasonably assure Mr. West's appearance and reasonably assure  
12 the safety of others in the community. The Act requires that  
13 I impose the least restrictive conditions that are necessary  
14 to provide those reasonable assurances. If I cannot find any  
15 conditions that will reasonably assure the safety of the  
16 community or the appearance of Mr. West as required, then I am  
17 required to hold that he continue to be held in custody.

18 With that, Mr. Sweeney, are you prepared to proceed?

19 MR. SWEENEY: I am, Your Honor, and I don't have  
20 anything beyond what is set forth in the pretrial services  
21 report. I don't intend to offer any evidence or any  
22 witnesses. I would just like to have the opportunity at the  
23 appropriate time to make argument.

24 THE COURT: All right. That's fine, Mr. Sweeney.

25 Then, Mr. Walker, let me turn to you. Do you have any

1 evidence to present during this proceeding today?

2 MR. WALKER: Yes, Your Honor. The defense would call  
3 Michelle Lefevre, and I don't believe she has -- she may be in  
4 the waiting room.

5 THE COURT: I don't believe she has joined us,  
6 Mr. Walker.

7 MR. WALKER: Okay.

8 THE COURT: Ms. Eckenrode is indicating that she's  
9 not in the waiting room. So we can certainly provide a few  
10 minutes for her to appear, but what I would suggest -- I don't  
11 want to hold anyone up, but I certainly want to give you the  
12 opportunity to have her appear. Would you like to try and  
13 reach out to her and see if she's having some technical  
14 difficulty joining us? And we can take a five-minute recess  
15 for you to be able to do that.

16 MR. WALKER: Yes, Your Honor. I'd appreciate that.  
17 Thank you.

18 THE COURT: All right. She can participate by  
19 telephone if she is unable to connect with the video. So why  
20 don't you check with her. We'll take a short recess. And  
21 when you've been able to reach her, let Ms. Eckenrode know,  
22 and then we'll proceed. All right?

23 MR. WALKER: Okay. Thank you.

24 THE COURT: Okay. Thank you.

25 THE CLERK: Court is in recess.

1 (Brief recess was taken.)

2 THE CLERK: Court is back in session.

3 THE COURT: We're back on the record. We've taken a  
4 short break. It looks like, Mr. Walker, your witness is now  
5 with us, so you may proceed.

6 MR. WALKER: Thank you. Ma'am, can you unmute  
7 yourself.

8 THE WITNESS: Yes, I can. Hi.

9 THE COURT: Before she testifies, we'll need to have  
10 her placed under oath, Mr. Walker.

11 (Witness sworn.)

12 THE CLERK: Please state your name and spell it for  
13 the court reporter.

14 THE WITNESS: Michelle Lefevre. It's  
15 M-i-c-h-e-l-l-e. Lefevre is L as in Lima, E as in Echo, F as  
16 in Foxtrot, E as in Echo, V as in Victory, R as in Romeo, and  
17 E as in Echo.

18 THE COURT: All right. You can proceed, Mr. Walker.

19 MR. WALKER: Thank you.

20 **MICHELLE LEFEVRE**

21 having been duly cautioned and sworn, was examined and  
22 testified as follows:

23 **DIRECT EXAMINATION**

24 **BY MR. WALKER:**

25 Q. Ma'am, do you know Mr. West?

1 A. Yes.

2 Q. How do you know him?

3 A. I know him from my previous employment a couple of years  
4 ago.

5 Q. And you understand that we are here for a bond hearing, do  
6 you not?

7 A. Yes.

8 Q. If released, do you permit Mr. West to stay with you --

9 A. I do.

10 Q. -- pending trial?

11 Okay. Do you know the charges he is facing?

12 A. Yes.

13 Q. And who lives in your household? Without giving any  
14 names, who lives in your household?

15 A. My child on the weekends. So mainly just me, but my  
16 child, too.

17 Q. And without giving an exact address, what part of town do  
18 you live in?

19 A. I live in Baldwin.

20 Q. And what type of home is it?

21 A. It is one of those residential apartment complexes.

22 Q. If asked, will you have a home line installed if Mr. West  
23 needs a home monitoring system?

24 A. I will.

25 Q. If asked, will you agree to sign on as a guarantor that

1 Mr. West will appear and abide by all of his bond conditions?

2 A. I will. I do.

3 Q. Are you aware that the federal case he is currently facing  
4 could possibly take an additional six months -- six to eight  
5 months before proceeding to trial? Are you aware of that?

6 A. Yes, I am.

7 Q. Knowing that, are there any concerns about Mr. West  
8 staying with you pending trial?

9 A. Not at all.

10 MR. WALKER: I have no further questions, offer for  
11 cross.

12 THE COURT: Mr. Sweeney, any questions?

13 MR. SWEENEY: Yeah. Just a few, Your Honor. Thank  
14 you.

15 CROSS-EXAMINATION

16 BY MR. SWEENEY:

17 Q. Miss Lefevre, you said that -- did I pronounce your name  
18 correctly, Lefevre?

19 A. You actually did. I was going to comment, you did it  
20 perfectly.

21 Q. Thanks. Miss Lefevre, you said you've known Mr. West for  
22 how long?

23 A. It's been since 2019 I met him.

24 Q. Okay. And I saw that -- what were the circumstances of  
25 your meeting him?

1 A. Mutual friends, I met him. I worked --

2 Q. You said it was in connection with your employment?

3 A. Yeah. I worked at Tilden. It was a bar, after-hours  
4 club.

5 Q. And that's where you met him?

6 A. Yeah, through mutual friends.

7 Q. And I think the pretrial services report indicated that  
8 you may describe yourself as being his best friend since 2019?

9 A. Yes.

10 Q. Or he described you as that?

11 A. Yeah. We became very, very close. So, yes, he is -- he's  
12 my brother. I consider him family, honestly, besides my son.

13 Q. Has he ever lived with you previously?

14 A. No. We just spent a lot -- especially during this COVID  
15 stuff, we spent a lot of time together. But, no, he's never  
16 lived with me before.

17 Q. And was he living with you at the time that he was  
18 arrested in connection with these charges?

19 A. No, not at all.

20 Q. And when you say you spent a lot of time with him, how are  
21 you able to spend time with him?

22 A. I mean, I'd pick him up. Like we went hiking with me and  
23 my son. You know what I mean? We'd hang out. You know, I go  
24 to the gym, so we'd do workouts, too, sometimes. I'm a  
25 bodybuilder. I mean, I just hung out with him, talked, wrote



1 music, stuff like that, studio.

2 Q. And so you say that -- you describe him more as like being  
3 a brother to you, not a romantic relationship with him?

4 A. No. He is -- actually, I tell my son he's his uncle. He  
5 loves Hush. Or Chris. I'm sorry about that. But, yes,  
6 Christopher West.

7 Q. How old is your son?

8 A. He's 11.

9 Q. Are you familiar with Mr. West's criminal history and  
10 background, his prior convictions?

11 A. Yes, somewhat. I mean, I've never really divulged myself  
12 into asking details, because it's not one of those things  
13 that -- you know. But, yes, I am aware.

14 Q. Could you explain to us a little bit about what you know  
15 in terms of what his prior convictions have been.

16 A. I know that there was a few misdemeanors and stuff. I  
17 mean, like I said, I don't know the extent of it. I know  
18 there was something in New York he has going on, a couple  
19 things here. Like I said, I've never really pried or just  
20 gone all the way to say, "What did you get charged" -- you  
21 know what I mean? It's not one of those things I was curious  
22 enough to find out about, honestly.

23 Q. Well, if you have an 11-year-old son that stays with you,  
24 don't you agree that it would be important for you to know  
25 what his prior criminal convictions were?

1 A. Well, I mean, at this point, yes. But then, it wasn't one  
2 of those things I was like, "Did you get arrested before?"  
3 You know what I mean? It wasn't something that I divulged  
4 myself into. If it's something that he proactively wanted to  
5 go in-depth with, he can tell me. It's not one of those  
6 things that I would be like, "Yeah, so what did you do?" I  
7 knew it wasn't anything very serious, because it wasn't like  
8 he did an astronomical amount of time. He's out. You know  
9 what I mean?

10 Q. Did you know he has a prior conviction for involuntary  
11 manslaughter?

12 A. I did somewhat hear about that, but I heard that -- wasn't  
13 that something that wasn't -- like it got dismissed? I know a  
14 lot of those charges got dismissed, correct?

15 Q. I'm just asking. I can't answer questions.

16 A. I'm just saying, from what I heard, like those things got  
17 dismissed. It wasn't something that he really got --

18 Q. Were you familiar with the fact that he had a prior  
19 conviction for aggravated assault?

20 A. Yes, a little bit. But, I mean, I thought it was just  
21 little things here and there, like little fights possibly.  
22 You know what I mean? I didn't think it was anything that  
23 serious, at least from what I know of, from what I'm aware of,  
24 being honest with you.

25 Q. What is your understanding regarding what he's charged

1 with in connection with the pending robbery case in the Court  
2 of Common Pleas of Allegheny County?

3 A. I don't.

4 Q. You don't know what that case is about?

5 A. The robbery case? No, I don't know any -- no, I don't  
6 know about a robbery case. Like I said, I know little things  
7 here and there, nothing fully in-depth because I never really  
8 asked for details about things. You know what I mean? I knew  
9 he got charged here and there with things. It wasn't  
10 something that I really divulged myself into finding out.

11 Q. Do you know that he's charged with -- I'm not asking you  
12 to talk to us about any admissions he may have made to you.  
13 That's not the purpose of this question. What I'm trying to  
14 get at is: How familiar are you with the man whom you are  
15 willing to have stay at your house with an 11-year-old son?  
16 And what I want to you ask you is: Are you familiar with the  
17 fact that he has been charged with aggravated assault and a  
18 robbery on a cameraman in connection with the riots this past  
19 summer?

20 A. I didn't know it was in that depth. No, I didn't know it  
21 was a robbery. I mean, I heard it was something about  
22 destroying a camera is what he was allegedly accused of. But,  
23 like I said, I knew it was part of the Black Lives Matter  
24 parade. I don't personally divulge myself in getting into  
25 riots and stuff like that, so I want no part of it.

1 But, yeah, I mean, I know kind of what he's getting  
2 charged with right now is the whole destruction of private  
3 property, correct? Isn't that what it was, like the whole  
4 cameraman thing? That's what I know. The robbery part, no, I  
5 had no idea about a robbery.

6 Q. Would it be accurate to say that regardless of what these  
7 pending charges are, regardless of what they are, you're still  
8 willing to have him stay at your place?

9 A. I am, because I know him as a person. He is a good  
10 person. People make mistakes in their past; and as long as  
11 they're willing to redeem themselves -- which I do fully  
12 believe that my brother is at this point in time -- I'm  
13 willing to help him. So at the moment that I feel like it's  
14 not working, guess what? His probation officer, parole  
15 officer -- I don't know who I call, but I will call them. And  
16 guess what? He will go back to where he came from, because  
17 I'm not having that around my child. You are absolutely  
18 correct.

19 The reason I'm doing this is because I do trust him, I  
20 love him. He's always been there for me this almost what?  
21 Two years that I've known him. My son looks up to him  
22 musically and respects him as a man. You know what I mean?  
23 He doesn't know his history in that way. He knows him as a  
24 person, and I love him as a person, and I'm going to help him  
25 if I can. Because if I were in his position, I would hope he

1 would do the same for me and trust me enough to do that.

2 So -- sorry.

3 Q. Do you know when he got arrested in connection with the  
4 charges from this summer?

5 A. Excuse me?

6 Q. Do you know when he got arrested, when he went into  
7 custody, approximately?

8 A. Wasn't it around August or something, like -- yeah, it was  
9 somewhere around there. Like his girlfriend called me.

10 Q. So you had known him for less than a year before he went  
11 to jail on these charges?

12 A. I did. But, like I said, this COVID stuff, it kind of  
13 keeps you secluded. We spent a lot of time together. I mean,  
14 I still worked at the airline, but I had a lot more time.

15 Q. What do you do now for a living?

16 A. Currently, I am a dancer. I got laid off from my  
17 restaurant job that was a fine dining restaurant job,  
18 actually, this past winter. So I do dance, though.

19 Q. Where are you a dancer?

20 A. It is an agency. It's a private agency, so we do bachelor  
21 parties. So I'm an entertainer. We do bachelor parties,  
22 birthdays, stuff like that.

23 Q. I assume that you work nights, then, not during the day  
24 usually?

25 A. Yeah, and I only work three days a week. So it's like

1 three to four days a week. Four days is a rarity, but it's  
2 three days a week I work, yes.

3 Q. So when are you gone from the house?

4 A. 6 p.m. to 4 a.m.

5 Q. 6 p.m. to 4 a.m.? And that's three times a week?

6 A. Yes.

7 Q. So Mr. West would be on his own, basically, during those  
8 timeframes?

9 A. I mean, yeah. I won't be home, so, yes, he would be. But  
10 doesn't he have monitoring, as well? Just to confirm, though,  
11 he's going to have like a monitoring system?

12 Q. That might be up to pretrial services and the Court.

13 A. Okay. I didn't know if that was --

14 Q. So if you're saying -- Miss Lefevre, if you're saying  
15 you're working three nights a week 6 p.m. to 4 a.m., what  
16 nights?

17 A. I usually work -- it's Friday nights, I work -- well, this  
18 week -- it varies, honestly. Like this week I worked  
19 Wednesday to Saturday because a girl is in surgery right now.  
20 You know what I mean? But generally it's Monday, Wednesday  
21 and Fridays is what I work. But, like I said, it varies on  
22 what's needed, too, when I'm available.

23 Q. When do you get custody of your son? How often will your  
24 son be there?

25 A. I get him every weekend. So from Friday -- I pick him up

1 Friday, and his dad picks him up Sunday. And if he has Monday  
2 off, I'll keep him. You know what I mean? If he has other  
3 days off, I'll keep him later -- or longer.

4 Q. So if you're working Friday night, Mr. West would be home  
5 alone with your son?

6 A. I mean, he could be. If he shouldn't be, I could have  
7 somebody here, because my son does have a babysitter, as  
8 well. So I was planning on him being here with Chris; but,  
9 I mean, if he needs watched, I can probably finagle  
10 something.

11 Q. Have you talked to your son's father about the fact that  
12 Mr. West may be staying there at your residence while your  
13 son is there?

14 A. I mean, I can; but my son's father is currently, as well,  
15 on probation. So I don't think he'd have an issue with it,  
16 honestly. But I will inform him ahead of time once all of  
17 this goes through, of course. Like I said, he is -- yeah. So  
18 I don't think he'll discriminate about him being here with  
19 Chris. Let's just say that.

20 MR. SWEENEY: Your Honor, that's all the questions I  
21 have. Thank you.

22 THE COURT: All right. Thank you.

23 Mr. Walker, is there anything further that you would like  
24 to ask?

25 MR. WALKER: Yes.

REDIRECT EXAMINATION

BY MR. WALKER:

Q. Miss Lefevre, you mentioned that if he messes up -- he being Mr. West -- that you would call probation immediately. Can you give me instances where you think that would become necessary?

A. I mean, I don't see him doing anything wrong. You know what I mean? I don't see it being an issue or something that will have to happen. But, I mean, if I see him doing anything illegal, if I see him drinking, if I see him doing anything he's not supposed to be doing -- on that paper that shows me what he's supposed to be doing, not supposed to be doing -- there's going to be a phone call.

And we've discussed how strict I'm going to be about this; because, like, as mentioned before, I do have an 11-year-old child that lives with me. And I'm not risking losing my son over this, either, but I am willing to help somebody I consider my brother. So that's what I'm doing now.

MR. WALKER: No further questions. Thank you.

THE COURT: Mr. Sweeney, anything further?

MR. SWEENEY: No. Thank you, Your Honor.

THE COURT: All right. Miss Lefevre, we certainly appreciate your testimony. You're excused as a witness, but you may continue to watch the proceeding if you would like to. Thank you.



1 THE WITNESS: Thank you so much for your time.

2 THE COURT: All right. Mr. Walker, any other  
3 evidence that you wish to present before we turn to oral  
4 argument?

5 MR. WALKER: No, Your Honor. Just argument.

6 THE COURT: All right. Then, Mr. Sweeney, feel free  
7 to proceed.

8 MR. SWEENEY: Thank you, Your Honor. If you look at  
9 the pretrial services report relating to Mr. West's background  
10 and history, it's pretty clear that he has not stopped having  
11 run-ins with the law since age 14. He's going to be 36 in a  
12 couple weeks. His issues with the criminal justice system  
13 started at age 14, and then in 2004 he had an involuntary  
14 manslaughter, an aggravated assault conviction; 2011,  
15 resisting arrest and providing false identification to police  
16 officers; 2016, simple assault and harassment.

17 And now in 2020 he's charged with robbery, riot,  
18 recklessly endangering another person, and also charged with  
19 conspiracy to commit arson of a police vehicle. Your Honor,  
20 he has essentially ticked off convictions or at least charges  
21 for virtually every type of violent crime, simple assault,  
22 aggravated assault, recklessly endangering another person,  
23 resisting arrest, robbery, arson.

24 Judge, all of these crimes, I think, clearly demonstrate  
25 that Mr. West, unfortunately, has a propensity for violence.

1 Normally when you look at a criminal record, you see somebody  
2 who has a bunch of DUIs or somebody who has a bunch of  
3 possession of paraphernalia or retail thefts or access device  
4 frauds. He has ticked off every type of violent offense in  
5 his history, most recently in 2020.

6 Now, he also has some failures to appear, with respect to  
7 his risk of flight. And when you look at the pretrial  
8 services report, they're recommending detention, I believe on  
9 both bases, risk of flight and danger to the community. Now,  
10 I get Ms. Lefevre in good faith is trying to help out somebody  
11 that she cares about. I understand wanting to give a second  
12 chance to somebody that she's grown close with. I have no  
13 reason to believe that she's making any type of false  
14 representations or trying to mislead the Court at all. I  
15 think her heart is in the right place.

16 But, Judge, when you have a situation where you have a  
17 man with Mr. West's past involving failures to appear, having  
18 charges brought against him where it's at least supported by  
19 probable cause, serious charges like burning a police car  
20 while he's on probation, it's clear that Mr. West has trouble  
21 complying with court orders and court supervision. And the  
22 situation that we're talking about here would be allowing  
23 Mr. West to stay at a residence where he would at times be  
24 home alone with an 11-year-old boy while the mom is out  
25 working.

1 I don't think it's a suitable release plan, and I believe  
2 that the government has satisfied its burden that Mr. West is  
3 both a danger to the community and a risk of flight to the  
4 point that there are no conditions or combination of  
5 conditions that would be able to reasonably assure his  
6 appearance in court and the safety of the community.

7 THE COURT: Mr. Sweeney, would you very briefly just  
8 review the pending charges against Mr. West in this matter.

9 MR. SWEENEY: Yes, Your Honor. He is charged with  
10 conspiracy to commit a violation of Title 18,  
11 Section 844(f)(1), which is the federal arson statute  
12 involving burning of property that is owned by an organization  
13 receiving federal funds. In particular, in this case he's  
14 charged with aiding and abetting and conspiring to burn a  
15 marked police vehicle during the riots on May 30, 2020. And  
16 he is also charged with unlawful interference and obstructing  
17 law enforcement officers stemming from that same thing. That  
18 is by setting fire to a police vehicle.

19 Down the street in the Court of Common Pleas he's charged  
20 with robbery, and I believe that's in connection with him  
21 allegedly taking the camera off a KDKA cameraman who was  
22 filming the riots and the burning of the police vehicle; and  
23 he's charged with the offense of riot down the street and  
24 recklessly endangering another person, I believe. Those are  
25 the charges that are pending against him right now, Your

1 Honor.

2 THE COURT: All right. Thank you very much,  
3 Mr. Sweeney.

4 Mr. Walker, I'm happy to hear from you, as well.

5 MR. WALKER: Thank you, Your Honor. Your Honor, it's  
6 not typical that I am applauding a U.S. Attorney on a cross-  
7 examination of one of my witnesses, but Mr. Sweeney did a  
8 thorough job of cross-examining the witness to establish any  
9 prejudice or anything whatsoever. But in his cross-  
10 examination, Miss Lefevre, she passed all the threshold  
11 standards.

12 She stated that, "Yes, he can stay with me; yes, if he  
13 messes up, I will call the probation officer, I will do  
14 everything I need to do to make sure he is on the right  
15 track." It's not often that witnesses attest to that, and I'm  
16 glad she was able to state that. She is a suitable person as  
17 a third-party guarantor. He has a suitable home plan. She  
18 established that she knows him, she has a relationship with  
19 him; her son knows him, has a relationship with him; and she  
20 is willing to report him if he messes up. I believe we've  
21 rebutted the presumption because of the third-party guarantor  
22 and the fact that he has a place to stay.

23 But the presumption of innocence is the prevailing thing  
24 here. Under 3742, those are the factors that have to be  
25 considered. The presumption of innocence and these factors

1 for the charges he's facing -- he's charged with conspiring to  
2 burn a police vehicle pursuant to protests and/or riots, and  
3 in the same factor he's charged with taking the camera from  
4 the cameraman who was filming the burning of the police car.

5 So obviously there is some factual determinations that  
6 will be made at a later date, but at this juncture the two  
7 issues are whether or not he is a danger to society and  
8 whether or not he is a flight risk. I don't believe he is a  
9 flight risk because there are conditions or a combination of  
10 conditions that can rebut that issue with home incarceration,  
11 electronic GPS, and he has a place to stay.

12 Now, the second issue would be danger to society.  
13 Mr. Sweeney has brought out his history. All of those factors  
14 have been taken into consideration and factored into his prior  
15 record score for those offenses. He has paid his costs and  
16 his debt to society for those offenses in the past. The court  
17 in that jurisdiction sentenced him for those crimes in the  
18 past. He did probation, parole, whatever he has needed to do  
19 in the past for those conditions.

20 Does that establish a heightened risk of safety for this  
21 crime? I would say no, because he's not charged with a  
22 violent involuntary manslaughter or a manslaughter or a  
23 homicide or an aggravated assault in this case right here  
24 before the Court. This is an issue of conspiracy for a  
25 violation of the Federal Crimes Act with vandalism to a car

1 and conspiracy for the destruction of the car.

2 Your Honor, this isn't, in my eyes, a violent crime for  
3 which Mr. Sweeney attests and tries to tie it back to the  
4 previous crimes for which he's paid his debt to society. I  
5 believe he has rebutted the presumption, and I believe there  
6 is a condition or combination of conditions that would assure  
7 the Court that Mr. West would not be a danger to society and  
8 would show up for court, Your Honor. So I'm asking for him to  
9 be released on those conditions, which would assure those --  
10 which meet those conditions, Your Honor.

11 THE COURT: Thank you, Mr. Walker.

12 Mr. Sweeney, anything further?

13 MR. SWEENEY: No. Thank you, Your Honor.

14 THE COURT: All right. Then I'd like to turn now to  
15 my findings and conclusions. In this case the government is  
16 seeking detention on multiple grounds and claims that it is  
17 entitled to a hearing, as we're having now, based upon the  
18 following: First, that Mr. West has been charged with a crime  
19 of violence.

20 Secondly, that there is a serious risk that he will flee  
21 and that there is a serious risk that he will obstruct or  
22 attempt to obstruct justice. There is no rebuttable  
23 presumption -- this is not a presumption case, so I'm not  
24 going to address that factor.

25 I will, however, address the specific factors that the

1 Bail Reform Act requires me to consider. First, the nature  
2 and circumstances of the alleged offenses. In this case, the  
3 offenses, all of which occurred on May 30th of 2020, are  
4 conspiracy, the malicious destruction or damage by fire of a  
5 police vehicle and obstruction of law enforcement during a  
6 civil disorder. Those, in the Court's view, looking at the  
7 nature and circumstances of a civil disorder, the destruction  
8 of a law enforcement vehicle, I view as a serious offense.

9 Based upon what has been told to me during this hearing,  
10 it appears that it was during a civil disorder that led to  
11 some violence, and there are other charges pending for which  
12 Mr. West has been charged, although I certainly understand  
13 that with respect to all of these charges, there is a  
14 presumption of innocence. However, I do view the nature and  
15 the circumstances as serious.

16 Looking at the weight of the evidence, I am primarily  
17 guided here by the fact that an indictment was issued  
18 against Mr. West which reflects that there was probable  
19 cause for the Grand Jury to return a three-count indictment  
20 against him.

21 I also want to turn to the third factor, which is the  
22 history and characteristics of Mr. West. And in that regard,  
23 I'm relying, in part, on the pretrial services report and  
24 would like to review some of the information within that  
25 report. Mr. West is a single 36-year-old male who apparently

1 has been a resident of the Western District for about nine  
2 years. He was unemployed at the time of his arrest last  
3 summer, and I will note that there appears to be a very spotty  
4 history of any employment on his part.

5 I've reviewed the criminal history of Mr. West. While I  
6 won't go into the juvenile offenses, as Mr. Sweeney pointed  
7 out, those did begin at a relatively early age. But just  
8 looking for a moment at the charges for which he either pled  
9 or was found guilty since he became an adult, there are a  
10 number of them that include aggravated assault and involuntary  
11 manslaughter, resisting arrest and providing false  
12 identification to a police officer, assault, possession of a  
13 controlled substance and, most recently, not only the current  
14 charges but the charges that are pending in state court, that  
15 being robbery and riot, again from the same date, and criminal  
16 mischief and vandalism.

17 I'll note that there have been at least, by my count,  
18 three bench warrants issued, one that is still pending in  
19 another jurisdiction; and with respect to a 2019 charge of  
20 possession of a controlled substance, two bench warrants that  
21 were issued. It also appears that Mr. West was on probation  
22 during the present offenses, both in federal and state court.

23 That essentially summarizes the criminal history, and I  
24 take that criminal history and the nature of the offenses very  
25 much to bear in connection with my decision. I've also looked



1 at the nature and seriousness of danger to the community or to  
2 others and note that many of the offenses charged were violent  
3 in nature, including robbery, assault, aggravated assault,  
4 resisting arrest and so forth.

5 I will note that I appreciate Ms. Lefevre's appearance  
6 here today and her willingness to serve as a third-party  
7 custodian. I have no doubt that she approaches this position  
8 with the requisite seriousness and certainly is interested in  
9 serving in that role and doing her best.

10 But I've also reviewed the recommendation of pretrial  
11 services. I'll note they note both the risk of nonappearance,  
12 including three prior failures to appear, the fact that  
13 Mr. West was on probation when this offense occurred, the two  
14 other pending cases and the fact that he is not employed and  
15 has not been employed in any ongoing way. With respect to  
16 danger to the community, the pretrial services report  
17 indicates -- and I agree -- that there were multiple crimes of  
18 violence, that there was criminal activity while he was under  
19 supervision.

20 And so, again, while I appreciate Ms. Lefevre's  
21 willingness to assist the court, her appearance here today,  
22 based upon the evidence, based upon the nature of the  
23 offenses, the prior criminal history and other matters that I  
24 raised regarding the matters that I'm required to consider,  
25 based upon all of this, I find that by clear and convincing

1 evidence there are no conditions that will reasonably assure  
2 the safety of others and by a preponderance of the evidence  
3 that there is no condition that will reasonably assure  
4 Mr. West's appearance.

5 Therefore, based upon the forgoing, I am ordering  
6 Mr. West to continue to be detained pending the trial of  
7 this matter. Again, I appreciate Ms. Lefevre's willingness  
8 to serve as a third-party custodian but find that that would  
9 not provide the reasonable assurances that are necessary for  
10 me to order release.

11 Is there any other matter that counsel wish to address  
12 during this proceeding?

13 MR. SWEENEY: Nothing from the government.

14 MR. WALKER: No, Your Honor.

15 THE COURT: All right. Thanks to all for your  
16 attendance. I certainly appreciate your arguments and matters  
17 that you presented. It was very helpful to me. And with  
18 that, we are concluded.

19 THE CLERK: Court is adjourned.

20 (The above-captioned matter was concluded.)

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I N D E X

WITNESS	DIRECT	CROSS	REDIRECT	RECROSS
Michelle Lefevre	5	7	16	--

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C E R T I F I C A T E

I, DEBORAH ANN BETZLER, RPR, FCRR, certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled case.

s\ Deborah Ann Betzler  
 DEBORAH ANN BETZLER, RPR, FCRR  
 Official Court Reporter

02/28/2021  
 Date of Certification